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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,772	10/31/2001	Anand Subramanian	3485/1H799US1	4306
7278	7590	04/26/2004	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			GRAVINI, STEPHEN MICHAEL	
			ART UNIT	PAPER NUMBER

3622

DATE MAILED: 04/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/001,772

Applicant(s)

SUBRAMANIAN ET AL.

Examiner

Stephen M Gravini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 15, 16 and 27-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 15, 16 and 27-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4-6.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15, 16, 27, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Cannon (WO 99/46719). Cannon is considered to disclose the claimed system comprising:

an ad server which maintains the targeted ads for the user at the station across the distributed computer network (column 6 lines 16-18 and column 14 line 5 wherein the disclosed computer based media related data manipulation for an advertisement campaign for an individual accessing web pages is considered patentably equivalent to the claimed computer network ad server);

a data store that identifies a set of rules associated with an ad, the rules indicate a level of relevancy of an ad to a particular content (column 16 line 20 through column 18 line 18); and

a match maker that parses the particular content by objects and corresponding attributes, that maps a targeted ad to the particular content by applying the rules in the data store, and that sends an identification of the targeted ad to the ad server (column 27 line 20 through column 32 line 6). Cannon is considered to also disclose the claimed

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personal computer station (column 20 line 13), static text targeted ad (column 14 line 4), changes in revenue (column 2 line 10), and affiliate network (column 14 line 20).

Claim Rejections - 35 USC § 103

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon in view of Herz et al. (US 5,835,087). Cannon is considered to disclose the claimed invention as discussed above except for the claimed structural relationship of at least one multiple keyword purchased by an advertiser for targeted advertising for a price. Herz is considered to disclose the claimed structural relationship of at least one multiple keyword purchased by an advertiser (column 15 lines 1-56) for targeted advertising for a price (column 16 line 65). It would have been obvious to one skilled in the art to provide the claimed structural relationship of at least one multiple keyword

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purchased by an advertiser for targeted advertising for a price to the teachings of Cannon for the purpose of using search terms, such as keywords, for targeting advertisements for users such that advertising costs can be realized based on an advertiser price.

Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon in view of Saxe (US 5,636,346). Cannon is considered to disclose the claimed invention as discussed above except for the claimed content portion on the distributed network requested by the user. Saxe is considered to disclose the claimed content portion on the distributed network requested by the user (column 4 lines 18-54). It would have been obvious to one skilled in the art to provide the claimed content portion on the distributed network requested by the user to the teachings of Cannon for the purpose of utilizing a portion of data information distributed to a user, such as a portion of network content, for targeting advertisements to users such that advertising can be realized through segments or portions of user's desired content.

Claims 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon in view of Melchione et al. (US 5,930,764). Cannon is considered to disclose the claimed invention as discussed above except for the claimed content classification related to past consumption through an affiliate network in real time or prior user operation time of the distributed computer network. Melchione is considered to disclose the claimed content classification related to past consumption through an affiliate

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network (column 13 line 62 through column 14 line 64 wherein the disclosed micromarketing center is considered patentably equivalent to the claimed affiliate network because both provide the same result in the same manner using the same means) in real time or prior user operation time of the distributed computer network (column 8 lines 4-10). It would have been obvious to one skilled in the art to provide the claimed content classification related to past consumption through an affiliate network in real time or prior user operation of the distributed computer network to the teachings of Cannon for the purpose of appropriately distributing of data information to a consuming user, such as a targeting beer advertisements for beer drinkers who watch NFL Monday night football rather than tea drinkers watching Martha Stewart Living, through an affiliate network in real or prior use time.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reference U, cited in this action, is considered the most relevant non-patent literature reference because it discusses targeting advertisements to profiled users.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Steve Gravini whose telephone number is (703) 308-7570 and electronic transmission / e-mail address is steve.gravini@uspto.gov. Examiner can normally be contacted Monday through Friday from 6:00 a.m. to 3:30 p.m. **If applicants choose to send information by e-mail, please be aware that confidentiality of the electronically transmitted message cannot be assured.** Please see MPEP 502.02. Information may be sent to the Office by facsimile transmission. The Official Fax Numbers for TC-3600 are:

After-final (703) 872-9327
Official (703) 872-9306
Non-Official/Draft (703) 872-9325


STEPHEN GRAVINI
PRIMARY EXAMINER

smg
April 20, 2004